# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/089,083 | 04/10/2002 | Takanori Nishimura | 220741US6PCT | 2945 |

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| ART UNIT | PAPER NUMBER |
|---|---|
| 2151 | |

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/089,083 | NISHIMURA ET AL. |
| | Examiner | Art Unit | |
| | Saket K. Daftuar | 2151 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *10ᵗʰ April 2002*.

2a)☐ This action is **FINAL**.    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04/10/2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All    b)☐ Some *    c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date *04/10/02*.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

## DETAILED ACTION

1.    This action is responsive to the response to restriction requirement and preliminary amendment filed on June 30th, 2005.  Applicant request to traverse the restriction requirement has been granted and therefore, the restriction requirement has been withdrawn.

2.    As a result, Claims 1-27 are presented for examination.

### Priority

3.    Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).  The certified copy has been filed and received.

### Drawings

4.    The drawings are objected to because Fig. 43 does not contain any diagram and drawing. It is just an Illustration of reference numerals.  Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several

views of the drawings for consistency. Additional replacement sheets may be necessary

to show the renumbering of the remaining figures. Each drawing sheet submitted after

the filing date of an application must be labeled in the top margin as either

"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held

in abeyance.

### *Specification*

5.      Specification is objected to because of the following informalities: Applicant

mentioned "sever 102" at page 39 in specification. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

6.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.      Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nakamura et al, U.S. Patent Number 5,913,039 (hereinafter Nakamura) as applied, and

further in view of Wiser et al, U.S. Patent 6,868,403 B1 (hereinafter Wiser).

As per claim 1, Nakamura discloses a reservation requesting step of sending reservation request information including a desired service time to use said processing server from said user terminal apparatus to said reservation control apparatus via the network (see abstract and column 1, lines 43-45); a storing step of writing and storing said authentication information included in said reservation setting information sent from said reservation control apparatus in a predetermined storage area of said user terminal apparatus(see abstract and column 1 lines 55-62) ; a service requesting step of reading and sending, when said user terminal apparatus accesses and uses said processing server based on said reservation, said authentication information stored in said predetermined storage area from said user terminal apparatus(see column 2, lines 30-37) .

Nakamura failed to disclose a reservation accepting step of creating, when the reservation for use of said processing server during said desired service time included in said reservation request information is accepted, authentication information which is used only for said accepted reservation and sending the reservation setting information including this authentication information from said reservation control apparatus to said user terminal apparatus via the network and an authenticating step of deciding whether the use of said processing server by said user terminal apparatus should be accepted or not based on said authentication information sent from said user terminal apparatus.

Wiser teaches a reservation accepting step of creating, when the reservation for use of said processing server during said desired service time included in said reservation request information is accepted, authentication information which is used only for said accepted reservation and sending the reservation setting information including this authentication information from said reservation control apparatus to said user terminal apparatus via the network (see column 5, lines 4-20) and an authenticating step of deciding whether the use of said processing server by said user terminal apparatus should be accepted or not based on said authentication information sent from said user terminal apparatus (see column 5, lines 4-20 ) .

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provides a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

As per claim 2, Nakamura discloses in said storing step, said authentication information included in said reservation setting information is automatically written and stored in said predetermined storage area (column 1

lines 55-62, examiner consider reservation setting information is stored in schedule table storage unit).

As per claim 3, Nakamura failed to discloses in said reservation accepting step, said reservation control apparatus sends the reservation setting information including said authentication information to said user terminal apparatus and registers said authentication information in a database; and in said authentication step, the use of said processing server is accepted only when the authentication information registered in the database of said reservation control apparatus matches the authentication information sent from said user terminal.

Wiser teaches in said reservation accepting step, said reservation control apparatus sends the reservation setting information including said authentication information to said user terminal apparatus and registers said authentication information in a database (see column 6, lines 50-60 examiner consider storing in media file system as storing information in database); and in said authentication step, the use of said processing server is accepted only when the authentication information registered in the database of said reservation control apparatus matches the authentication information sent from said user terminal (see column 5, lines 4-20) .

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provides a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

As per claim 4, Nakamura discloses said predetermined processing executed by said processing server is processing of carrying out stream distribution of content data to a requesting client terminal apparatus via the network (see column 2, lines 25-30); and said user terminal apparatus for which the use of said processing server is accepted in said authentication step sends said content data to be distributed by said processing server to said client terminal apparatus to said processing server via the network (see column 2, lines 16-38).

As per claim 5, Nakamura discloses in said reservation accepting step, said user terminal apparatus sends reservation setting information including communication/connection       information       necessary       to       establish       a communication/connection with said processing server to said user terminal apparatus via the network (see column 1, lines 43-45, examiner considers client sending request to server as sending reservation setting information to establish

a communication connection with processing server); in said storing step, said user terminal apparatus stores said communication/connection information (see column 1, lines 55-64) ; and in said service requesting step, said user terminal apparatus reads said stored communication/connection information and carries out processing to establish a communication/connection with said processing server based on the read communication/connection information (see column 1, lines 41-52) .

As per claim 6, Nakamura discloses said user terminal apparatus carries out a communication/connection with said processing server via a telephone network, said communication/connection information contains a telephone number to be called by said user terminal apparatus to establish a communication/connection with said processing server (see column 1, lines 43-45).

As per claim 7, Nakamura discloses said user terminal apparatus automatically starts processing to establish a communication/connection with said processing server at the start time of said reservation or a predetermined time before the start time of said reservation (see column 3, lines 3-8, examiner consider locating the start of the data stream inherits automatically starts processing to establish a communication/connection).

As per claim 8, Nakamura discloses a notifying step of notifying the user of said user terminal apparatus at the start time of said reservation or a predetermined time before the start time of said reservation that the start time of said reservation or a predetermined time before the start time of said reservation has come (see column 8, lines 39-42).

As per claim 9, Nakamura failed discloses in said reservation accepting step, said reservation control apparatus encrypts and sends said reservation setting information.

Wiser teaches in said reservation accepting step, said reservation control apparatus encrypts and sends said reservation setting information (see column 4,lines 35-44).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provides a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

As per claim 10, Nakamura discloses a reservation requesting step of sending reservation request information including a desired service time to use said processing server from said user terminal apparatus to said reservation control apparatus via the network (see abstract and column 1, lines 43-45); a reservation accepting step of sending, when the reservation for the use of said processing server during said desired service time included in said reservation request information is accepted, reservation setting information including communication/connection information necessary for said user terminal apparatus to establish a communication/connection with said processing server from said reservation control apparatus to said user terminal apparatus via the network(see column 1, lines 40-52, examiner consider data stream transmitted from server interface unit and carried out by client inherits reservation accepting step of sending reservation setting information with communication/connection information) ; a storing step of writing and storing said communication/connection information included in said reservation setting information sent from said reservation control apparatus in a predetermined storage area of said user terminal. apparatus(see abstract and column 1 lines 55-62) ; and a communication establishing step of reading, when said user terminal apparatus accesses and uses said processing server based on said reservation, said communication/connection information stored in said predetermined storage area and establishing a communication/connection with said processing server based on the read communication/connection information (see column 2, lines 20-38,

examiner consider server control unit reads stored data in job schedule storage

unit as a step of reading communication/connection information) .

As per claim 11, Nakamura discloses in said storing step, said

communication/connection information included in said reservation setting

information is automatically written and stored in said predetermined storage

area (column 1 lines 55-62, examiner consider communication setting

information is stored in schedule table storage unit).

As per claim 12, 13, 14, 15, and 16 they do not teach or further define

over the limitations recited in claims 9, 4, 6, 7, and 8, respectively. Therefore,

claims 12,13, 14, 15, and 16 are rejected for the same reasons set forth in claim

9 4, 6, 7,and 8, supra.

As per claim 17, they do not teach or further define over the limitations

recited in claims 9 and 12, respectively. Therefore, claim 17 rejected for the

same reasons set forth in claims 9 and 12, supra.

As per claim 18, Nakamura discloses receiving reservation request

information including a desired service time to use said processing server

provided from said user terminal apparatus via a network (see column 1, lines

40-65, examiner consider transmitting request to server and later data stream

transmitted from server and carried out by client inherits receiving reservation request via network); reservation setting information generating, when a reservation for the use of said processing server in said desired service time contained in said reservation request information is accepted, reservation setting information including authentication information used only for said accepted reservation (see column 1, lines 40-52, examiner consider data stream transmitted from server interface unit and carried out by client inherits reservation accepting step of sending reservation setting information) ; and transmitting the reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the network (see column 1, lines 40-65, examiner consider data stream transmitted from server interface unit and carried out by client as transmitting the reservation setting information) .

Nakamura failed to discloses that reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the network.

Wiser teaches reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the network (see column 5, lines 4-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provides a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

As per claim 19, Nakamura discloses said reservation setting information generating means includes a command to execute processing of automatically writing and storing said reservation setting information in a predetermined storage area of said user terminal apparatus in said reservation setting information (see column 2, lines 1-38).

As per claim 20, Nakamura failed to discloses an authentication information database for storing the authentication information generated by said reservation setting information generating means.

Wiser teaches an authentication information database for storing the authentication information generated by said reservation setting information generating means (see column 5, lines 4-20); and authenticating means for receiving, when said user terminal apparatus sends authentication information to obtain a permission to use said processing server based on said reservation, the

authentication information sent, deciding whether the received authentication information matches the authentication information stored in said authentication information database or not and accepting the use of said processing server by said user terminal apparatus only when the two authentication information pieces match (see column 5, lines 4-20) .

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provides a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

As per claim 21, they do not teach or further define over the limitations recited in claims 9 and 12. Therefore, claim 21 rejected for the same reasons set forth in claims 9 and 12, supra.

As per claim 22, Nakamura discloses receiving reservation request information including a desired service time to use said processing server provided from said user terminal apparatus via a network (see column 1, lines 40-65, examiner consider transmitting request to server and later data stream transmitted from server and carried out by client inherits receiving reservation

request via network); reservation setting information generating, when a reservation for the use of said processing server in said desired service time included in said reservation request information is accepted, reservation setting information including communication/connection information necessary for said user terminal apparatus to establish a communication/connection with said processing server via the network(see column 1, lines 40-52, examiner consider data stream transmitted from server interface unit and carried out by client inherits reservation accepting step of sending reservation setting information) ; and transmitting the reservation setting information generated by said reservation setting information generating means to said user terminal apparatus via the network(see column 1, lines 40-65, examiner consider data stream transmitted from server interface unit and carried out by client as transmitting the reservation setting information) .

Nakamura failed to discloses that reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the network.

Wiser teaches reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the network (see column 5, lines 4-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provides a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

As per claim 23 and 24, they do not teach or further define over the limitations recited in claim 19 and 6, respectively. Therefore, claims 23 and 24 rejected for the same reasons set forth in claims 19 and 6, supra.

As per claim 25, they do not teach or further define over the limitations recited in claims 9 and 12. Therefore, claim 25 rejected for the same reasons set forth in claims 9 and 12, supra.

As per claim 26, Nakamura discloses reception processing that receives reservation request information including a desired service time to use said processing server provided from said user terminal apparatus via a network (see column 1, lines 40-65, examiner consider transmitting request to server and later data stream transmitted from server and carried out by client inherits receiving reservation request via network); reservation setting information generation processing that, when a reservation for the use of said processing server in said

desired service time included in said reservation request information is accepted,

generates reservation setting information including authenticated information

used only for said accepted reservation (see column 1, lines 40-52, examiner

consider data stream transmitted from server interface unit and carried out by

client inherits reservation accepting step of sending reservation setting

information) ; and transmission processing that transmits the reservation setting

information including authentication information generated by said reservation

setting information generating means to said user terminal apparatus via the

network(see column 1, lines 40-65, examiner consider data stream transmitted

from server interface unit and carried out by client as transmitting the reservation

setting information) .

Nakamura failed to discloses that reservation setting information including

the authentication information generated by said reservation setting information

generating means to said user terminal apparatus via the network.

Wiser teaches reservation setting information including the authentication

information generated by said reservation setting information generating means

to said user terminal apparatus via the network (see column 5, lines 4-20).

Therefore, it would have been obvious to one having ordinary skill in the

art at the time of applicant's invention to provides a secure online on demand

distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.


As per claim 27, Nakamura discloses reception processing that receives reservation request information including a desired service time to use said processing server provided from said user terminal apparatus via a network (see column 1, lines 40-65, examiner consider transmitting request to server and later data stream transmitted from server and carried out by client inherits receiving reservation request via network); reservation setting information generation processing that, when a reservation for the use of said processing server in said desired service time included in said reservation request information is accepted, generates reservation setting information including communication/connection information necessary for said user terminal apparatus to establish a communication/connection with said processing server via the network(see column 1, lines 40-52, examiner consider data stream transmitted from server interface unit and carried out by client inherits reservation accepting step of sending reservation setting information) ; and transmission processing that transmits said reservation setting information to said user terminal apparatus via the network(see column 1, lines 40-65, examiner consider data stream

transmitted from server interface unit and carried out by client as transmitting the reservation setting information) .

Nakamura failed to discloses that reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the network.

Wiser teaches reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the network (see column 5, lines 4-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provides a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

## *Conclusion*

8.    The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See accompanying P.T.O 892.

9.     A shortened statutory period for reply to this final action is set to expire **THREE**

**MONTHS** from the mailing date of this action. Failure to respond within the period for

response will result in **ABANDONMENT** of the applicant (See 35 U.S.C 133, M.P.E.P

710.02,71002 (b)).


### Contact Information

10.    Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Saket K. Daftuar** whose telephone number is **571-272-**

**8363**. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for

the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.    Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

SKD
July 27, 2005

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER